

Research Mash-up: Disparate Approaches

By Jan Bissett and Margi Heinen

Information professionals may be more interested in the process and mechanics of research than many attorneys, but we all have common goals: identifying, accessing, and understanding documents necessary to the questions that prompt our research. We've been thinking about legal research, and comparing notes has brought us to an interesting juxtaposition of topics that have been on our minds: analytics, finding historical treatise materials, and retrieving copies of necessary documents.

Analytics¹ and artificial intelligence continue to make headlines in the world of legal research. In the past year, Lexis added Ravel Law.² This year, Fastcase announced its acquisition of Docket Alarm, making available the addition of analytics and alerts services,³ while Lex Machina announced its first state product, Delaware Chancery Court analytics.⁴ One of the most intriguing headlines involved the ranking that Judicata has done—rating law-firm briefs. Judicata evaluated 500 briefs filed in California state courts by 20 of the state's largest law firms and published the ranking of the 20 firms. Judicata used its new tool, Clerk, to identify strengths and weaknesses in the briefs and offer predictions on likelihood of success.⁵ In recent years, with the growth in access to court filings, more and more researchers consider looking at briefs others have filed in cases similar to the ones they are facing. Now, researchers might look at rankings from Judicata before searching for briefs to use as exemplars, and practitioners might want to review their own work product in similar cases.

The movement of analytics into court pleadings reminds us that pleadings remain one of those troves of documents that researchers often seek, but the path is not

smooth in all instances. PACER, Lexis, Westlaw, and Bloomberg Law have all made access to federal court documents easier for a fee. Lexis, Westlaw, and Bloomberg Law also provide some state court filings, although the selection often seems random and unclear. And state courts have contracted or created their own e-filing systems that may be accessed from the web for a fee.

None has proven to be a complete answer when researchers need to see sample filings in a certain type of case or a case in which a specific opposing attorney appeared. The decentralized nature of court documents means researchers must locate a decision or news story appropriate to their needs and then determine where court documents might be found. This is also an area where newer researchers may believe everything is online, but find to their dismay that older court materials are archived or in storage and other jurisdictions require contacting the court, prepayment, and getting materials via snail mail.

While sifting through these documents, researchers may find materials cited in a pleading or opinion that are not immediately available. How do you retrieve a section from *Corbin on Contracts* from 10 years ago or a citation to historical legislation? Perhaps opposing counsel is citing to Lexis, but your firm subscribes to Westlaw and you're not finding that citation in the database. You

need the General Court Rule that's the basis for the current court rule as well as an attorney general opinion from 1923. Subscription databases such as Lexis and Westlaw are great for current secondary sources and perhaps the last 20 years of historical statutes.

The full text of older law-review articles is generally accessible via the big three commercial services (Lexis, Westlaw, and Bloomberg Law) as well as the subscription database Law Journal Library from HeinOnline, a comprehensive online resource available at <https://home.heinonline.org/content/law-journal-library/>. Google Scholar may also offer this material through <https://scholar.google.com/>. Occasionally, researchers find the full text of an older legal treatise online at no cost, usually as a result of digitization projects. Project Gutenberg at <http://www.gutenberg.org> has a virtual library that includes legal works like *Oppenheim's International Law: A Treatise*. That edition is from 1912; the third edition (1920) can be found in full text online via the Internet Archive at <https://archive.org> as well as Google Books at <https://books.google.com>.

The University of Minnesota's *Legal History Research Guide: E-Books, Publications*⁶ outlines digital holdings, as does Harvard Law School Law Library's *Online Legal History Sources*.⁷ Historical treatises are available from several databases, although access may require a visit to your local or academic

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law library. Gale's *Making of Modern Law: Legal Treatises*,⁸ HeinOnline's *Legal Classics*,⁹ and LLMC Digital's collections¹⁰ make available the text of historical materials. Law school libraries subscribe to these databases and often make them available to researchers. In a digital world where licensing agreements dictate accessibility, remote access is generally available to current students, faculty, and staff. Finding the full text of more recent editions of legal treatises online remains a challenge, and you may have to locate a library that has kept superseded print versions of more recent material.

Researching legislation is another area in which technology has made some materials readily available and others difficult to find. Increasingly, libraries have stopped storing historical print documents in favor of digitized online collections. In the case of previous technological advances such as microfiche reader-printers and CDs used to store historical legislative materials, compatible format readers may not be easily accessible. Unfortunately, digitization has yet to capture all of the wise words of our law-makers; researchers may find historical collections such as the *Code of Hammurabi* or *Blackstone's Commentaries*, but be at a loss to find documents from the 1980s.

After identifying materials of interest, a law library or subscription library may provide the materials you seek. The reference staff at your local law school library may assist you in locating or providing these materials. The Western Michigan University Cooley Law School Library provides a fee-based document delivery service to members of the Bar.¹¹ The Law Library of Michigan also has a fee-based document delivery service available to non-state employees.¹² If you need technical or scientific material, Linda Hall Library in Kansas City offers a fee-based document delivery service.¹³ Subscription-based library services are also available.¹⁴ Reference, research, database, and document delivery services and borrowing privileges may be included in the subscription price.

While we embrace and celebrate analytics, digitization, and other exciting research options, today's legal researchers still need to employ some clever detective work to find the exact document to meet their needs. ■

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ENDNOTES

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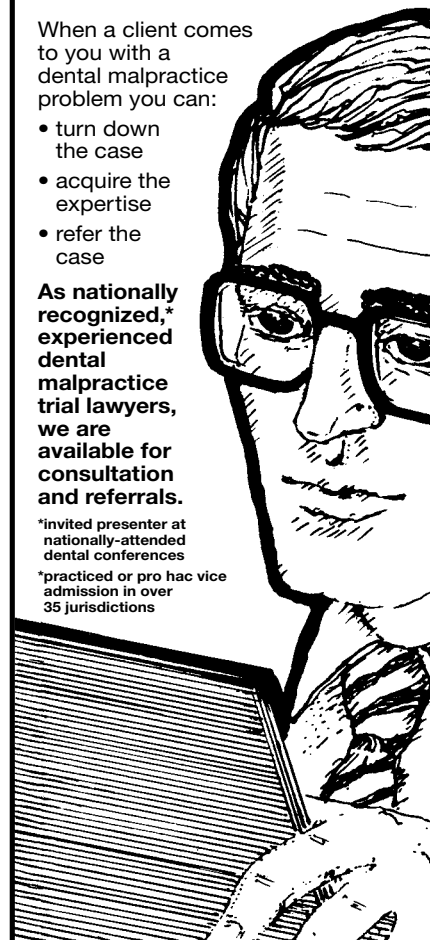
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